

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**JOHN and KARIN WALDROP, as parents and
legal guardians of B.W., THE ARC OF NEW
MEXICO as legal guardians and next
friends of S.K. and L.D., LYNDA AND
JOSEPH PETROS as grandparents and legal
Guardians of A.J., DANIEL AND BLANCA
SARABIA, as parents and legal guardians of
D.S., LYNETTE JARAMILLO, as parent and
legal guardian of A.C., DORIS JOHNSON, as
parent and legal guardian of C.J.,
SHARRANNA AND RICHARD FRIEDMAN, as
parents and legal guardians of S.F.,
DISABILITY RIGHTS OF NEW MEXICO AND
THE ARC OF NEW MEXICO,**

Plaintiffs,

v.

No. 1:14-CV-00047-JH-KBM

**NEW MEXICO HUMAN SERVICES DEPARTMENT;
NEW MEXICO DEPARTMENT OF HEALTH;
SIDONIE SQUIER, Secretary, NEW MEXICO
HUMAN SERVICES DEPARTMENT, to her official capacity;
RETTA WARD, Secretary, NEW MEXICO DEPARTMENT
OF HEALTH, in her official capacity; CATHY STEVENSON,
Director, DEVELOPMENTAL DISABILITIES SUPPORTS
DIVISION OF THE NEW MEXICO DEPARTMENT OF
HEALTH, in her official capacity,**

Defendants.

**STIPULATED MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED COMPLAINT
WITH PREJUDICE**

Plaintiffs, by and through their counsel of record, and Defendants, by and through their counsel of record, hereby stipulate and agree that any and all claims Plaintiffs raised or could have raised based on the factual allegations in the complaint against the Defendants in Plaintiffs' First Amended Complaint for Declaratory and Injunctive Relief filed on February 25, 2014 [Doc.

6] have been resolved and move for a final judgment dismissing Plaintiffs' First Amended Complaint with prejudice, provided, however, that as set forth in the Court's Order Granting Joint Motion for Approval of Settlement Agreement and Release filed on May 29, 2015 [Doc. 166], the Court will retain jurisdiction to enforce the terms of the May 14, 2015 Settlement Agreement and Release (the "Settlement Agreement," a copy of which is appended as Exhibit 1 to the aforementioned Order) pursuant to Part XI of the Settlement Agreement for a period of two (2) years from the date that the Outside Reviewer (as defined in the Settlement Agreement) first receives a requested Individual Service Plan and budget for clinical review, with the additional provisos that this Court should retain jurisdiction to hear and decide any motion for attorneys' fees and costs incurred up to the execution of the Settlement Agreement timely filed pursuant to Part XIII of the Settlement Agreement and that any motion for enforcement filed within the aforementioned two-year period shall be deemed timely and subject to the jurisdiction of the Court for enforcement, including jurisdiction to hear and decide any motion for attorney's fees filed within thirty days following any Order by this Court disposing of any such timely-filed motion for enforcement.

As grounds for this Motion, Plaintiffs and Defendants state that they have resolved all matters and request that the entire lawsuit be dismissed with prejudice, except for only the above-described retention of jurisdiction to enforce the terms of the Settlement Agreement.

WHEREFORE Plaintiffs and Defendants respectfully request that Plaintiffs' First Amended Complaint for Declaratory and Injunctive Relief and all claims that were raised or could have been raised therein against the Defendants be dismissed with prejudice.

Respectfully submitted,

Attorneys for Plaintiffs:

SANDERS & WESTBROOK, P.C.

By approved via e-mail 6/18/15
MAUREEN A. SANDERS
102 Granite NW
Albuquerque, New Mexico 87102
(505) 243-2243 / (505) 243-2750 Fax
m.sanderswestbrook@qwestoffice.net

LAW OFFICES OF NANCY L. SIMMONS, P.C.
NANCY L. SIMMONS
120 Girard SE
Albuquerque, New Mexico 87106
(505) 232-2575 / (505) 232-2574 Fax
nlsstaff@swcp.com

DISABILITY RIGHTS OF NEW MEXICO
JASON C. GORDON
NANCY KOENIGSBERG
1720 Louisiana Boulevard NE, Suite 204
Albuquerque, New Mexico 87110
(505) 256-3100 / (505) 256-3184 Fax
jgordon@drnm.org
nkoenigsberg@drnm.org

Attorneys for Defendants:

MILLER STRATVERT P.A.

By /s/ Jennifer D. Hall
JENNIFER D. HALL
STEPHEN B. WALLER
HOLLY AGAJANIAN
P.O. Box 25687
Albuquerque, New Mexico 87125
(505) 842-1950 / (505) 243-4408 Fax
jhall@mstlaw.com
swaller@mstlaw.com
hagajanian@mstlaw.com